

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1107

FINAL READING

Introduced by Thompson, 14; Redfield, 12; Schimek, 27

Read first time January 17, 2006

Committee: Rereferred to Health and Human Services

A BILL

1 FOR AN ACT relating to schools; to provide for student
2 self-management of diabetes at school and school-related
3 activities.

4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) An approved or accredited public, private,
2 denominational, or parochial school shall allow a student with
3 diabetes to self-manage his or her diabetic condition upon written
4 request of the student's parent or guardian and authorization of
5 the student's physician, upon receipt of a signed statement under
6 subsection (5) of this section, and pursuant to a diabetes medical
7 management plan developed under subsection (2) of this section.

8 (2) Upon receipt of a written request and authorization
9 under subsection (1) of this section, the school and the parent
10 or guardian, in consultation with the student's physician, shall
11 develop a diabetes medical management plan for the student for
12 the current school year. The plan shall (a) identify the health
13 care services the student may receive at school relating to
14 such condition, (b) evaluate the student's understanding of and
15 ability to self-manage his or her diabetic condition, (c) permit
16 regular monitoring of the student's self-management of his or her
17 diabetic condition by an appropriately credentialed health care
18 professional, and (d) be signed by the student's parent or guardian
19 and the physician responsible for treatment of the student's
20 diabetic condition. The school may consult with a registered nurse
21 or other health care professional employed by such school during
22 development of the plan. The plan and the signed statement required
23 by subsection (5) of this section shall be kept on file at the
24 school where the student is enrolled.

25 (3) Pursuant to the diabetes medical management plan

1 developed under subsection (2) of this section, a student with a
2 diabetic condition shall be permitted to self-manage his or her
3 diabetic condition in the classroom or any part of the school or on
4 school grounds during any school-related activity or in any private
5 location specified in the plan.

6 (4)(a) A school may prohibit a student from possessing
7 the necessary medical supplies to self-manage his or her diabetic
8 condition or place other necessary and appropriate restrictions or
9 conditions on the student's self-management of his or her diabetic
10 condition if the school determines that the student has endangered
11 himself, herself, or others through the misuse or threatened misuse
12 of such medical supplies. The school shall promptly notify the
13 parent or guardian of any prohibition, restriction, or condition
14 imposed.

15 (b) If a student for whom a diabetes medical management
16 plan has been developed under this section injures school personnel
17 or another student as the result of the misuse of necessary
18 diabetic medical supplies, the parent or guardian of the student
19 for whom such plan has been developed shall be responsible for any
20 and all costs associated with such injury.

21 (5) The parent or guardian of a student for whom a
22 diabetes medical management plan has been developed under this
23 section shall sign a statement acknowledging that (a) the school
24 and its employees and agents are not liable for any injury or death
25 arising from a student's self-management of his or her diabetic

1 condition and (b) the parent or guardian shall indemnify and hold
2 harmless the school and its employees and agents against a claim
3 arising from a student's self-management of his or her diabetic
4 condition.